

Alice H. Ware, SBN 102435  
Law Office of Alice H. Ware  
6930 Destiny Drive, Ste. 700  
Rocklin, CA 95677  
Ph: (916) 781-3355

**UNITED STATES BANKRUPTCY COURT**  
**EASTERN DISTRICT OF CALIFORNIA**  
**SACRAMENTO DIVISION**

In Re: Emil Ardelean and Emilia Ardelean,  
Debtors

Case No. 2010-38549  
Hearing Date: 08/18/2010  
Hearing Time: 10:00 a.m.  
Courtroom: 34  
Judge: Hon. Robert S. Bardwil  
Docket Control No.: AHW-01

**MOTION FOR ORDER COMPELLING ABANDONMENT OF THE  
ESTATE'S INTEREST IN DEBTOR'S REAL PROPERTY AND BUSINESS**

Alice H. Ware of the Law Office of Alice H. Ware, on behalf of the Debtors herein, hereby moves this Court for an Order Compelling Abandonment of the Estate's interest in the Debtor's Elderly Care Business. This Motion is based on the following facts:

1. This case was commenced with the filing of a petition on July 15, 2010. David Gravell was duly appointed to serve as Trustee.
2. As shown in the filed schedules of this case, the Debtors operate a Elderly Care Business. Said business is located at 5210 Robertson Avenue, Carmichael, CA 95608. The Debtor's tools of the trade and other business-related assets, if any, have been disclosed in the filed Schedule B and there does not appear to be any business equipment or inventory that can be profitably liquidated by the Trustee over and above (a) the liens, if any, in Schedule D attaching to the business-related assets and (b) the exemptions, if any, in Schedule C claimed by the Debtor. The schedules, as filed with the Court, are incorporated herein by reference as **Exhibit "A."**

1 3. The Debtor is aware that, under the provisions of Title 11, US Codes §721, the Trustee  
2 has the authority to operate the Debtor's Business; and then, only with an order of the  
3 Court. Otherwise, the Trustee is obliged to shut down the business or abandon the  
4 estate's interest in the business.

5 4. However, the Debtor asserts that, based on the lack of any non-exempt equity  
6 in any business-related asset, equipment or inventory, there is no benefit to the estate  
7 to either operating OR shutting down this business.

8 5. The §341 Meeting of Creditor is scheduled for August 24, 2010; the Trustee has  
9 been contacted regarding this Motion and has not indicated that this property is a  
10 target of any liquidation efforts on the part of the estate.

11 6. Federal Rule of Bankruptcy Proceeding 6007(b) permits a party in interest,  
12 including the Debtor, to file a motion seeking to compel the Trustee to abandon  
13 property of the estate.

14 Wherefore, the Debtor moves this Court to issue an Order Compelling the Trustee to  
15 abandon the Estate's Interest in the Debtor's Business.

16 CERTIFICATION

17 I, Alice H. Ware, hereby certify under penalty of perjury that I have read the foregoing  
18 Motion for Order Compelling Abandonment of the Estate's Interest In Debtor's Elderly  
19 Card Business. I further certify that the contents thereof are true and correct to the best  
20 of my knowledge and belief. Executed on 07/19/2010 at Rocklin, CA 95677.

21 /s/ Alice H. Ware  
22 Alice H. Ware, SBN 102435  
23 Law Office of Alice H. Ware  
24  
25  
26